

**Department of Mental Health  
Exceptions Committee Meeting**

**May 2, 2003**

**Minutes**

In attendance were Rosie Anderson-Harper, Connie Cahalan, Julie Carel, Rebecca Carson, Jackie Coleman, Jodi Frederick, Melinda Elmore, and coordinator Rich Overmann. Katheleen Mims attended to provide information regarding the request from Reality House.

La Belle Manor Care Center requested a waiver of requirements under 9 CSR 40-3.115 for fencing around LP gas tanks. The agency has requested and received this exception for several years. At its February meeting, the committee approved this year's request, contingent upon the findings of the department's licensure survey. In April licensure and certification surveyor Rhonda Turner reported as follows.

Residents were reported by staff being in their forties to their nineties and that no one is able to leave the facility independently due to physical limitations. Residents were observed to be elderly and the majority are in wheelchairs. There are fourteen individuals with mental health diagnosis of which eleven are MI, three are MRDD and two are dual. One person works at an MRDD workshop called Wider Opportunities and two attend the PSR in Edina. There has been one new admission this past year and one discharge, so minimal change in population since the last exception was granted. The propane tank is located a few feet from the facility's east side. I didn't see any exits in close proximity to it. I am not sure either if there are alarms that go off if doors are opened. The front door does not alarm when it is opened.

At the May meeting the committee approved the request for one year.

Reality House Programs, Inc. requested three exceptions

The first is a waiver of the fire safety provisions under 9 CSR 10-7.120 (8) requiring two means of exit on each floor. Information supplied to the committee by Kathleen Mims indicated that the facility has adequate emergency exits and is in compliance with the rule. The committee determined that no exception is necessary.

The second request is to exempt the facility from 9 CSR 10-7.020 (4)(C)1 under which clients must be allowed to wear their own clothes. This requirement is not consistent with the realities of the agency's Community Shock Program in which participants are required by the sentencing court to wear a yellow uniform. The committee approved an exception as requested for such participants.

The third request related to provisions under 9 CSR 30-3.060(4)(B)1 which allows no more than four residents to a bedroom. The agency requested a waiver of this standard for two bedrooms, each having eight residents involved in the Community Shock Program. The committee approved the exception.

Central States Mental Health Consultants, Inc., requested a waiver of fire safety requirements for two exits under 9 CSR 10-7.120 (8)(C). The request cites subsection (8)(D) which lists circumstances under which the requirement shall be waived, unless the fire inspector rules differently. The letter of request also stated that the facility meets the circumstances listed in subsection (8)(D). Accordingly the committee determined that

the facility is exempt from the requirement for two exits, barring any objection by the fire inspector.

Family Counseling Center, St. Joseph requested a waiver of 9 CSR 30-3.100 (7) to allow a CSAC I to perform diagnosis. The department denied the request because the diagnostic function is relegated by statute to the specific professions named in the rule, and regulations do not allow for a "provisionally" licensed individual to perform a diagnosis.

The committee noted that, based on the contents of the letter of request, the agency might obtain a similar result in other ways. A licensed individual with one year experience in the treatment of substance abuse is allowed to perform all areas of the assessment. However, many agencies have not found this an effective use of their limited diagnostician's time. Many agencies have the diagnostician complete the face-to-face interview, diagnosis, and participate in the initial treatment plan. They have the qualified substance abuse professional complete the Addiction Severity Index portion of the assessment as this is the minimum standard of care in regulations.

Louis Harris reopened a request originally considered by the committee in August of 2002. Minutes from that meeting are as follows.

At that time Mr. Harris requested an exception on his own behalf under 9 CSR 10-5.190. He committed a crime of second-degree assault on June 5, 2002. In an attempt to break up a fight in his home he discharged a firearm causing a bullet to strike a sandstone rock on his patio sending chips of rock into the shin of another person. Mr. Louis and the victim both stated that this was an accident. He is currently in recovery from substance addiction and was a client at Pathways until February of 2001. The material submitted by Mr. Harris included a letter from Pathways indicating its intention to hire him if he can secure an exception. The committee noted that Mr. Harris completed his rehabilitation program at Pathways only 18 months ago and that he is currently on probation. The committee denied the exception because the Division of Alcohol and Drug Abuse has an agreement with the Department of Corrections not to promote the hiring of persons currently on probation.

The committee received a letter from Pathways dated April 16, 2003 indicating its intent to employ Mr. Harris as a program technician if the committee issues a waiver. The committee also received a copy of letter dated March 31, 2003 from Missouri Probation and Parole stating that Mr. Harris' probation is scheduled to expire on April 16, 2003. The committee approved the exception on the condition that Mr. Harris has indeed been released from parole and that documentation of the release is on file at Pathways.

New Beginnings requested a waiver to allow an employee, Sean Muhammad, to serve as a Community Support Worker in its adolescent program. Mr. Muhammad's degree is not in the human service field and he does not have enough relevant experience to compensate for the lack of a degree. The committee first considered the request at its meeting on April 4, 2003 and requested additional information. In a letter dated April 17, 2003 the agency submitted the requested information and the committee approved the request at the May meeting.

Cox Medical Center, Springfield asked for an exception to allow Mr. Gene Davison to work as a Community Support Worker. He lacks the education and experience as

promulgated under 9 CSR 30-3.850. This request reopened a previous request that was denied by the Exceptions Committee in November 2001. The committee did not approve the exception because it did not consider Mr. Davison's education and experience, as documented in the request, to be adequate for the responsibilities of a Community Support Worker. The committee noted that, if Mr. Cox maintains his current employment for an additional six months he will qualify for a Community Support Worker without the benefit of an exception.

Morning Star Supported Living Services, Inc. requested an exception from the qualifications for QMRP for Colene Jackson based on her education and experience. The committee compared her background to the federal requirement for a QMRP under 42 CFR 483.430 and determined that she meets the requirement. Therefore no exception is necessary.

May 8, 2003

Martha Bogguss  
La Belle Manor Care Center  
1002 Central  
LaBelle, MO 63447

Dear Ms. Bogguss:

On May 2, 2003, the Department of Mental Health Exceptions Committee reviewed your request for an exception. The committee agreed to waive the requirement for fencing around the propane gas tank. This exception expires May 1, 2004.

If you have any questions in this matter, please contact me at 573-751-8077.

Sincerely.

Richard H. Overmann  
Exceptions Committee Coordinator

May 8, 2002

Dennis Winfrey  
Reality House Programs, Inc.  
P. O. Box 1507  
Columbia, MO 65205

Dear Mr. Winfrey:

On May 2, 2003, the Department of Mental Health Exceptions Committee reviewed your letter dated April 28, 2003 requesting three exceptions. The committee reached the following decisions.

1. The committee noted that the agency meets exit requirements under 9 CSR 10-7.120 (8)(C) because residents have access to more than one exit on each floor. The fact that some of these exits prevent entrance from the outside does not constitute a violation of the rule.
2. The committee approved a waiver of 9 CSR 10-7.020 (4)(C)1 with respect to clothing. The exception is restricted to participants of the Community Shock Programs who are required by the sentencing court to wear a yellow uniform.
3. The third request related to a provision under 9 CSR 30-3.060(4)(B)1 which allows not more than four residents to a bedroom. The committee approved the exception for two bedrooms, each having eight residents involved in the Community Shock Program.

If you have any questions in this matter, please give me a call at 573-751-8077.

Sincerely,

Richard H. Overmann  
Exceptions Committee Coordinator

May 8, 2003

Patrick Hickey, LCSW, CASAC  
Central States Mental Health Consultants, Inc.  
3217 So. Owens School Rd.  
Independence, MO 64057

Dear Mr. Hickey:

On May 2, 2003, the Department of Mental Health Exceptions Committee reviewed your letter of April 8, 2003 requesting a waive of exit requirements under 9 CSR 10-7.120(8)(C). The committee determined that, based on the information provided in your letter, your agency qualifies for the waiver under 9 CSR 10-7.120 (8)(D). The committee granted the exception, barring any objection by the fire inspector.

If you have any questions in this matter, please contact me at 573-751-8077.

Sincerely,

Richard H. Overmann  
Exceptions Committee Coordinator

May 8, 2003

Lisa Doyle, MA QSAC  
Chemical Dependency Department Director  
Family Guidance Center for Behavioral Healthcare  
510 Francis, Suite 200  
St. Joseph, Missouri 64501

Dear Ms. Doyle:

On May 2, 2003 the Exceptions Committee considered your request for an exception from the requirements of 9 CSR 30-3.100(7) relating to the qualifications of persons responsible for diagnosis. The committee did not waive the requirements of this rule because the diagnostic function is relegated by statute to the specific professions named in the rule. Regulations do not allow for a "provisionally" licensed individual to perform a diagnosis.

A licensed individual with one year experience in the treatment of substance abuse is allowed to perform all areas of the assessment. However, many agencies have not found this an effective use of their limited diagnostician's time. Many agencies have the diagnostician complete the face-to-face interview, diagnosis, and participate in the initial treatment plan. They have the qualified substance abuse professional complete the Addiction Severity Index portion of the assessment as this is the minimum standard of care in regulations.

If you need further clarification on the certification standard requirements, please contact Rosie Anderson-Harper at 573-751-4942.

Sincerely,

Richard H. Overmann  
Exceptions Committee Coordinator

May 8, 2003

Lou Harris  
HC 67, Box 137A  
Warsaw, MO 65355

Dr. Mr. Harris:

On May 2, 2003, the Department of Mental Health Exceptions Committee reviewed your request for an exception dated April 24, 2003. The committee approved the exception with the following condition. The exception is valid only if you have been released from probation as envisioned in Mr. Dingfelder's letter of March 31, 2003 and that documentation of your release is on file with Pathways.

If you have any questions in this matter, please give me a call at 573-751-8077.

Sincerely,

Richard H. Overmann  
Exceptions Committee Coordinator

CC Jerry Westmoreland, M.A., CADC, Pathways



May 8, 2003

Clarissa Cobb-Fritz  
New Beginnings  
3901 N. Union Blvd., Ste 101  
St. Louis, MO 63115

Dear Ms. Cobb-Fritz:

On May 2, 2003, the Department of Mental Health Exceptions Committee reconsidered your request for an exception dated March 26, 2003 and April 17, 2003. The committee approved the exception for Mr. Muhammad to work as a Community Support Worker.

If you have any questions in this matter, please give me a call at 573-751-8077.

Sincerely,

Richard H. Overmann  
Exceptions Committee Coordinator

Peggy Bryan, Clinical Director  
Cox Medical Center North  
1423 North Jefferson Ave.  
Springfield, MO 65802

Dear Ms. Bryan:

On May 2, 2003, the Department of Mental Health Exceptions Committee reviewed your request for an exception dated May 1, 2003. The request was to allow Mr. Gene Davison to work as a Community Support Worker. The committee did not approve the exception because it did not consider Mr. Davison's education and experience, as documented in the request, to be adequate for the responsibilities of a Community Support Worker. The committee noted that, if Mr. Cox maintains his current employment for an additional six months, he will qualify for a Community Support Worker without the benefit of an exception.

If you have any questions in this matter, please give me a call at 573-751-8077.

Sincerely,

Richard H. Overmann  
Exceptions Committee Coordinator

May 8, 2003

David North  
Morning Star Supported Living Services, Inc.  
18007 East 27<sup>th</sup> St.  
Independence, MO 64057

Dear Mr. Star:

On May 2, 2003, the Department of Mental Health Exceptions Committee reviewed your request for an exception dated April 7, 2003 on behalf of Ms. Jolene Jackson. The committee determined that no exception is necessary because Ms. Jackson's education and experience meet the federal requirement for a QMRP under 42CFR483.430.

If you have any questions in this matter, please give me a call at 573-751-8077.

Sincerely,

Richard H. Overmann  
Exceptions Committee Coordinator

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